

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2914/2012

Rashmi d/o Rameshwar Battolu
Age 29 years, Occ-service
r/o Ram Nagar, Jalna
Tq. & Dist.Jalna

..PETITIONER

Versus

- 1] The State of Maharashtra
Through Secretary
Social Welfare Department
Mantralaya, Mumbai
- 2] The Member Secretary,
Divisional Caste Scrutiny Committee
for S.C., V.J.N.T..O.B.C,& S.B.C.
Committee No.1, Aurangabad
Division Aurangabad.

[Copy to be served on the G.P.
High Court of Bombay, Bench
at Aurangabad.]

- 3] The Chief Executive Officer,
Zill Parishad, Jalna

..RESPONDENTS

...
Mr.H.V.Patil,Adv. for petitioner
Mr.D.V.Tele,AGP for Respondent State
Mr.Y.K.Bobade h/f Mr.S.S.Tope,Adv. For R.3.
...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 15th January, 2015.**

ORAL JUDGMENT : [PER GANGAPURWALA,J.] :

Rule. Rule returnable forthwith. With consent of parties, Petition is taken up for final hearing.

2] Mr.Patil, learned counsel for the petitioner submits that the petitioner belongs to Padmashali, Special Backward Class. The caste certificate of the petitioner was referred to the Committee for verification. The Committee invalidated the said caste certificate only on the ground that the school record of the petitioner states the caste as Telgu. The learned counsel submits that the school record of the petitioner's father, petitioner's paternal aunt and petitioner's sister show the caste as Padmashali. Telgu is only language spoken and it does not depict the caste. There is no contra evidence on record. However, the Committee has failed to consider the same. Even the pension papers of the grand father of the petitioner show the caste as Padmashali, however, the same is not considered on the ground that the relationship is not proved. Affidavit has been filed on record, the same is not considered.

3] Mr.Patil, learned counsel further submits that the certificates produced that of the petitioner's paternal aunt, are the certified copies of the original.

4] Learned AGP further submits that considering school record

of the petitioner herself, so also the fact that the relationship is not proved, the Committee has rightly come to the conclusion.

5] We have considered submissions canvassed by learned counsel for respective parties. So far as record produced by the parties is concerned, and the judgment delivered by the Committee, it is manifest that the committee has recorded that the school record of the petitioner's father which is of the year 1958-59 petitioner's paternal aunt which is of the year 1956-57 and the petitioner's sister which is of the year 1985-86 show the caste as Padmashali. It was for the Committee to verify the same from the original. Atleast the vigilance ought to have been directed to verify the same. The Committee nor the vigilance cell have verified the authenticity of the same. If the said certificates are as per original record, then same has high probative value being old documents. In that case petitioner shall stand on better footing, however, the said exercise has not been carried out.

6] As far as the caste shown as Telgu in the school record of the petitioner is concerned, Telgu is certainly not a Caste. Not much importance can be given to the said entry in the school record of the petitioner.

7] Considering the above, and the fact that the documents in respect of father, paternal aunt and sister has not been verified, we pass the following order :

a] The impugned judgment and order is quashed and set aside. The committee shall

determine the validation proceedings in respect of caste certificate of the petitioner as belonging to Padmashali afresh by verifying the school record of the petitioner's father, paternal aunt and petitioner's sister from the original. The committee may call the said original documents or direct the vigilance cell to verify the said documents from the original.

b] The petitioner shall appear before the Committee on 3/2/2015. The Committee shall decide the said proceeding afresh expeditiously preferably within nine months.

8] Writ Petition is accordingly disposed of. Rule made absolute in above terms. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

umg/